

RCE  
1713  
PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Daniel F. Graves, et al.  
For : CO<sub>2</sub> TERMINATED RUBBER FOR PLASTICS  
Serial No. : 09/819,336  
Filed : March 28, 2001  
Group Art Unit : 1713  
Examiner : LU, Caixia  
Last Office Action : July 11, 2003  
Attorney Docket No. : P96040US1A/FIR 2 0020

RECEIVED  
JAN 26 2004  
TC 1700SUPPLEMENTAL RESPONSE

Mail Stop – RCE  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In further support of arguments made in the preliminary amendment filed with the Request for Continued Examination ("RCE") on January 12, 2004 in the above-captioned application, Applicants submit a declaration under 37 CFR §1.132 by Daniel F. Graves, one of the joint inventors.

The declaration distinguishes the polymers disclosed in U.S. Patent No. 3,791,888 to Hudson ("Hudson") from those disclosed and claimed in the present application. In particular, Mr. Graves indicates that the polymers disclosed in Hudson would not have the presently claimed bulk and solution viscosities, nor would they be baleable. A polymer with these properties, such as those disclosed and claimed in the present application, would not be suitable as a binder for use in solid propellants, as required by Hudson.

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this paper and attachment are being deposited with the United States Postal Service as First Class Mail service and is addressed to the Office of Initial Patent Examination's Filing Receipt Corrections, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Cathryn TerchekDate:  January 16 2004

The fact that Hudson discloses molecular weights up to 150,000 is not determinative of viscosity, which is also affected by many other factors, such as the amount of branching and ionic association between polymer chains.

Based on the above and the attached declaration, Applicants submit that all pending claims are patentable over the cited art and request early notification of allowance.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to telephone Scott A. McCollister, at (216) 861-5582.

Respectfully submitted,

FAY, SHARPE, FAGAN,  
MINNICH & McKEE, LLP

Jan 16, 2004  
Date

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Attachment: Declaration of Daniel F. Graves